

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON EDUCATION

Call to Order: By **CHAIRMAN GAY ANN MASOLO**, on January 31, 2001
at 3:00 P.M., in Room 137B Capitol.

ROLL CALL

Members Present:

Rep. Gay Ann Masolo, Chairman (R)
Rep. Kathleen Galvin-Halcro, Vice Chairman (D)
Rep. Bob Lawson, Vice Chairman (R)
Rep. Joan Andersen (R)
Rep. Norma Bixby (D)
Rep. Gary Branae (D)
Rep. Nancy Fritz (D)
Rep. Verdell Jackson (R)
Rep. Hal Jacobson (D)
Rep. Larry Lehman (R)
Rep. Joe McKenney (R)
Rep. John Musgrove (D)
Rep. Alan Olson (R)
Rep. Ken Peterson (R)
Rep. Butch Waddill (R)
Rep. Allan Walters (R)
Rep. Merlin Wolery (R)

Members Excused: Rep. Jeff Mangan (D)

Members Absent: None.

Staff Present: Connie Erickson, Legislative Branch
Nina Roatch, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 321, 1/22/2001
HB 322, 1/22/2001
HB 353, 1/22/2001
Executive Action: HB 65; HB 140; HB 181

HEARING ON HB 322

Sponsor: GARY MATTHEWS, HD 4, Miles City

Proponents: Bob Gilbert, Montana School Bus Contractors Assoc.

Opponents: None

Opening Statement by Sponsor:

REPRESENTATIVE GARY MATTHEWS, HD 4, Miles City, stated his bill is about school buses and loading zones. A constituent of his has been a teacher for thirty years in Miles City and served as a school bus driver. Basically, he has been concerned about loading and unloading zones in school districts. The intent of this bill is very simple, if schools are going to sponsor or host an event on school property, then a school bus passenger zone must be established. This statute would ensure that schools hosting special events will provide these zones for our school bus drivers and the buses that they operate and most important, the safety of our children. He was convinced that he should bring this bill to the committee because it does affect Miles City and the school is in a residential area and he talked to the superintendent of schools and they hosted the Class A state tournament and there were eight different schools there and an accident occurred.

Proponents' Testimony:

Bob Gilbert, Montana School Bus Contractors Association, said he supports the bill. He has talked to the **SPONSOR** and if you look at the language of the bill, it says they must establish a loading zone. Temporary loading zones can be talked about also. Special events would be the only time there is a need for more space in the loading zones. A school has loading zones for everyday school activities. You could mark them with cones or other barriers. It is a child's safety issue more than anything else. There has been a problem in Miles City at the school because of congestion with buses.

Opponents' Testimony: None

Questions from Committee Members and Responses:

REPRESENTATIVE OLSON asked the **SPONSOR** if this has been taken up with the administration of the various schools? He believes this situation is addressed in the Montana High School Association

rules. The **SPONSOR** said he had not heard of that set of rules. He had talked with **Connie Erickson** and she told him that school districts have the authority to negotiate with the local government in terms of the size of loading zones, hours, and locations. As far as anything with OPI, they do not have any rules or regulations about bus zones. **REPRESENTATIVE OLSON** said he was referring to the Montana High School Association that regulates extracurricular activities in the state. The **SPONSOR** said he had not asked them and was hoping that putting this in a statute would allow a school with a complaint to go the MHSA with it.

REPRESENTATIVE WOLERY also had a question for the **SPONSOR**. When talking about a passenger loading zone, you do not mention any size. Is that necessary? The **SPONSOR** said the bill is to cover special events held at the school. If a school is going to host an event often, you need the space required for that event. Events could be a basketball tournament, speech and drama contest, etc. The school would need to come up with a temporary loading and unloading zone that will meet the needs of the event.

REPRESENTATIVE JACKSON had a question for the **SPONSOR**. He assumes that school administrators think about this problem when planning the special event. He cannot see a need for this bill. The **SPONSOR** said he is not the expert on this subject and he is representing his friend who is a bus driver. He asked the same questions of the friend. The friend says you can go to many schools and there is no problem but then there are schools that do have a problem. **REPRESENTATIVE JACKSON** asked the **SPONSOR** if maybe there is a problem mostly with the larger districts? If the bill is passed, will it give the administrator of the school the authority to do something, he can't do now? The **SPONSOR** said he thinks the bigger the school, the better set-up the school has. He doesn't think it is a problem for the small schools. Small schools do not have the ability to host a special event. Schools like Miles City and Billings Central are ones that come to his mind. The superintendent in Miles City is trying to work with the local authorities to get something done in his area. He thinks they have a problem. The **SPONSOR** is not trying to create a lot of restrictions. **REPRESENTATIVE JACKSON** said he is also concerned about liability and he thinks that every time the legislature passes a bill, there is the potential for liability. He assumes this would lay the requirement on every school, regardless of size. The school would need to go through some kind of procedure or be open to a law suit. The **SPONSOR** said the liability is there, regardless. He just wants the bill to be preventive and help school districts to come up with some sort of plan.

Closing by Sponsor:

REPRESENTATIVE MATHEWS said he appreciated the committee's attention.

HEARING ON HB 321

Sponsor: REPRESENTATIVE DEE BROWN, HD 83, Hungry Horse

Proponents: Donna R. Maddux, Flathead County Superintendent of Schools

Linda Tutvedt, Kalispell

Bob Vogel, MSBA

Opponents: None

Opening Statement by Sponsor:

REPRESENTATIVE DEE BROWN, HD 83, Hungry Horse, said the bill is the result of several years of the Kalispell bedroom community growing faster than inside the city limits. People now like to live on farms. If you've been in the Flathead area lately, you know that the farms are being split up into smaller areas. Many people are preferring to live outside the city limits. They are no longer growing crops, but they are growing homes in the surrounding communities. **HB 321** will allow a third way for people to be represented on high school boards in the State of Montana. One solution from present law is being used right now in the Kalispell School District. The board of trustees of the elementary district which houses the high school buildings, gets a block of trustees which varies by the size of the elementary district that houses the high school. They also have a trustee for every certain number of dollars outside the elementary district, up to a maximum of four trustees on the high school board. They have the four trustees at Flathead High School from outside the elementary district and that leaves a ratio of seven to four. The city trustees outnumber the rural trustees by three: but the rural communities have more taxpayers' taxable value and more students than inside the city limits. Another solution that can be done through present law is that each elementary district contributes to the high school board getting one trustee so: Pleasant Valley with two students would get one trustee and Kalispell elementary with more than 1200 students would also get one trustee. Total for the Flathead High School District would then be thirteen trustees. This is equally unfair in representation of the first way. **HB 321** uses the petition process for changes to the current law. It uses a present standard and process. It provides for a 4-3 rural verses city

balance on the high school board. It also allows for revisions every five years, if situations change with the population. More frequent revisions would leave the school district rather vulnerable and unable to do long range planning.

Proponents' Testimony:

Keith Regier, District 5 High School Trustee, representing West Valley, Smith Valley, Marion and Pleasant Valley Elementary Districts presented written testimony. **EXHIBIT (edh25a01)**

Harry W. Amend, Superintendent of Kalispell Public School, presented written testimony. **EXHIBIT (edh25a02)**

Donna Maddux, Flathead County Superintendent of Schools, presented written testimony. **EXHIBIT (edh25a03)** She also presented a sheet titled, Highlights of House Bill 321: History and Impact. **EXHIBIT (edh25a04)**

Bob Vogel, MSBA, said at its annual meeting his organization passed a resolution in support of this concept in **HB 321**. The most important word in their mind in the bill is the word more. This bill gives districts another option. In this case it is figuratively focused on the Kalispell situation. MSBA believes this presents another option or alternative down the road for other districts that may find themselves in this particular situation. It is another tool that allows representation at the local level to be done fairly and have the board consist of trustees that will represent all their constituents in a fair manner. It is another option. It isn't mandating that any district change current practice that they are following, it allows, in this case, Kalispell the option to go this different route. MSBA supports the bill.

Linda Tutvedt, Parent, School Board Member, and a Taxpayer, said basically this bill is a tax equity issue. It is taxation with representation. The choices they have now are representation of 11 to 4 or 13 to 1. Either of those is very unfair. They see a 4 to 3 split as a very fair and equitable board. She can see this having major implications in other areas of Montana. The areas of the state that are growing are not bound in city limits.

Opponents' Testimony: None

Questions from Committee Members and Responses:

REPRESENTATIVE LEHMAN had a question for the **SPONSOR**. Are these trustees going to be from the outlying elementary districts, selected in the manner outlined in the proposal? The **SPONSOR** said the district will decide whether it wants to go to this option, it will give them another option. Members from the outlying districts will have more representation than they do presently. **REPRESENTATIVE LEHMAN** continued. If, in fact, all of this occurs and is approved and there are additional trustees elected, would they be from these outlying elementary districts? Would they be members of the board of trustees of the Kalispell School District for both the high school and the elementary district? The **SPONSOR** deferred the question to **Donna Maddux**. **Ms. Maddux** said the configuration would be that the four trustees would be elected at large from the rural districts, as they are today. They would serve as Flathead High School Trustees only. The elementary school, for the city of Kalispell, which presently elects seven elementary trustees, would still elect seven elementary trustees. They are a first class elementary district. They are not proposing to change any of these parameters. What they are asking for is, that three of those seven will sit on the Flathead High School Board, instead of all seven of them. There are a number of vehicles in law to determine how those three would be chosen and when their terms would begin.

REPRESENTATIVE JACKSON had a question for **Linda Tutvedt**. Why is it so important to make the changes that the bill offers? **Linda Tutvedt** said that they are looking at having two high schools, but right now they don't know that they can find the funding. It would be nice to have equal representation whether they have a new high school or not. Some of the rural taxpayers have started voting down mill levies because they don't feel that they are represented by the school district. Leadership at the top and representation at the top, trickles down and continues on and she thinks that it will help the rural taxpayers to feel like they are more a part of what is done by the board of trustees.

REPRESENTATIVE WOLERY had a question for **Ms. Maddox**. Would this bill create four rural high school districts? **Ms. Maddox** said yes. **REPRESENTATIVE WOLERY** said would there be four trustees running at large? Would all trustees be able to live in the same block and represent the entire area? **Ms. Maddox** said that there would be an error in the wording of the bill if that is possible. It is intended that the rural trustees would run within their region and she believes the language of the bill actually says that. There would be four trustee regions and each would run at large within that region. **REPRESENTATIVE WOLERY** said that he did

not read it that way. **Connie Erickson** answered the question. If you look at page two, line 26, it says, "One trustee must be elected from each trustee nominating district." There would be four districts and one trustee from each of those districts and the three additional trustees would come from the elementary district where the high school building is located. **Ms. Maddux** added that one of the things they would be attempting to address with this bill is the balance of representation. The trustees within the elementary district run at large right now. They would continue to run at large within the elementary district. It is not an attempt to change anything in present practice.

REPRESENTATIVE OLSON asked **Ms. Maddux** if the trustee nominating districts are going to be set up on taxable evaluation or population? **Ms Maddux** said they will probably follow the four existing representative districts, which were configured on taxable value.

Closing by Sponsor:

REPRESENTATIVE BROWN said **HB 321** allows school districts to meet the needs of their constituents with only minor adjustment to existing law. Although this affected the Flathead area first, this problem could affect other growing regions with similar experiences. The bill provides for a third option to legally configure a regional high school board that more fairly represents the people it serves.

HEARING ON HB 353

Sponsor: **REPRESENTATIVE NANCY RICE FRITZ, HD 69, Missoula**

Proponents: **Sami Butler, MNA Director, RN**

Sue Buswell, School Nurse

Betty Whiting, Association of Churches

Sharon Hoff-Brodowy, Montana Catholic Congregations

Julie Foley, BEA

Dennis Davis, Superintendent of Bonner School

Diane McIntyre, Franklin School, Missoula

Minkie Medora, Montana Dietetic Association

Inga Nelson, MEA-MFT

Bob Vogel, MSBA

Steve Yeakel, Montana Council for Maternal and Child Health

Shelly Meyer, RN, Missoula

Dave Severson, President, Missoula Education Association

Opponents: None

Informational: Mary McAulay, OPI
Hank Hudson, DPHHS

Opening Statement by Sponsor:

REPRESENTATIVE NANCY RICE FRITZ, HD 69, Missoula, said she brings a bill that provides start-up costs for school districts to establish school breakfast programs. She wishes she could offer a simple bill, but because she did not run it by OPI earlier, she has to offer some amendments. **EXHIBIT (edh25a08)** The amendments will not substantially change the intent of the bill. That intent is stated in Section 1, "It is the goal of the state of Montana to make available to all students a breakfast at the beginning of each school day." Section 2, amended, will provide that any school district that wants to participate in the school breakfast program may apply to the Superintendent of Public Instruction for start-up funds. At the bottom of the bill one can see an appropriation of \$180,000 from the temporary assistance to needy families block grant. The funds will go to OPI for the biennium beginning July 1, 2001. They will provide start-up costs for forty school districts, twenty a year. The average start-up cost per school is \$4,500. Subsections A, B, and C will remain the same. Some of you may be unfamiliar with the school breakfast program. It began as a pilot in 1966 and was made permanent in 1975. During the early years the federal government provided start-up funds. The program is administered on the federal level by the Department of Agriculture. It is administered on the state level by School Food Services of OPI. Participating schools must serve breakfasts that meet federal nutrition standards and they must provide free and reduced price breakfasts to all eligible children. Children from low income families are extended breakfast free, or at a reduced price of thirty cents or less. This reduced price is based on food stamp eligibility or according to family size and income level. Funding in the program comes in the form of cash reimbursement for each breakfast served. A school would receive \$1.12 for each free breakfast it serves, 82 cents for each reduced price breakfast it serves, and 21 cents for each paid breakfast. **EXHIBIT (edh25a05) EXHIBIT (edh25a06) EXHIBIT (edh25a07)**

Proponents' Testimony:

Minkie Medora, Dietician from Missoula Community Medical Center, Montana Dietetic Association, said about 57% of the schools in Montana have the school breakfast program. That number can change from time to time. It is important for children to have proper nutrition, especially first thing in the morning. Not having proper nutrition impacts their physical growth and development. These impacts are not just in the size and shape of

their bodies and how they grow, but the fact is that poor nutrition causes the lack of immunity which leads children to have more infections and as a result, miss school more often. Lack of nutrition also has an effect on their mental development and growth. Not only does the brain need energy to grow and develop, but several nutrients are important and when missing, do have an impact on the child's ability to learn. They have found, through many studies, if breakfast is not available, it impacts children's behavior in the classroom and you can speak to any teacher in Montana to validate that statement. When children are hungry, they have a difficult time concentrating in class, sitting still, paying attention and following the teacher. This leads to behavior problems. So often we think that many children have behavior problems due to retention deficit disorders, Not all behavior problems are due to poor nutrition, but there are many, many behavior problems due to poor nutrition that are often not recognized and that is because the children are hungry. This problem does not have to exist. There is a way to solve it through providing every child with the opportunity for a breakfast program. There are so many studies done to validate the value of breakfast programs. Just recently, in Boston and Minnesota, studies were done that show that having breakfast pro improves children's classroom behavior and their ability to learn, also in many cases it actually increased their reading, math and science scores. The performance of the children eating breakfast was compared to a study group made up of children who did not eat breakfast. It had such a significant impact that the school districts have now made breakfast a universal program in their school districts. It takes state action to support that kind of result. There is tremendous scientific evidence to prove that a proper breakfast is important. We have more people going to work in Montana. We have people who start work at 6:30 a.m. and have to leave their children outside the school building and more school buildings are now opening their doors early to get the children in and then give them breakfast. We have more single parent families going to work, we have many parents that have two jobs that are trying to make a living. In many of our rural areas, children have to ride on the bus for up to an hour just to get to school. Getting breakfast at home is one of the last priorities. In many homes there isn't enough food to feed the children breakfast. If a child goes to school without breakfast, all he can think about all morning is lunch. Many teachers say they can tell which children in the room haven't eaten in the morning by their performance. The same children after lunch have turned around and given their full attention to what is going on in the classroom. It is a very simple program. It is a low-cost program and a flexible program. Many schools do not have the initial funding to start a breakfast program. Once a program is growing and has good participation with the federal reimbursement, it can succeed on its own. This program not only

benefits the children of our state, but it also creates economic opportunities in the state. It means more staff for the schools to hire, and above all it adds to the local economy. Milk and other commodities are bought locally throughout the areas.

Dennis Davis, Superintendent of Bonner Schools, said he represents a district with 350 students and they have a highly successful breakfast program. His breakfast program basically pays for itself. They charge students 50 cents a day. Sixty percent of his students qualify for free or reduced price lunches. They carry the breakfast program. His program takes care of itself. Four things happen for children that have a nutritious breakfast before they start school. Children do better academically and that is one of the goals. Children miss less school. Children are not tardy as often and we know that they have fewer behavioral problems when they have breakfast. Studies back up these statements. Why wouldn't Montana want that for every child? The school feeds more than a third of the 350 students each day. The school is K-8, with the majority of the students in lower grades. They do some other things with the breakfast program. He would encourage any school interested in starting the breakfast program to come visit the Bonner School. They provide breakfast to the child at a cost that the parent cannot duplicate at home. You cannot feed a child breakfast for 50 cents like the breakfast they receive at his school. For the parent that has to be a real plus in times that are difficult economically. They are able to purchase supplies locally. Thus, they stimulate the local economy. They are able to employ local adults to help prepare and serve the food. The program supplies jobs and they have three people involved in the program. The lunchroom facility provides a warm, safe, positive environment for approximately 30 minutes prior to the start of the school day. It is a working class community and he has students dropped off in the morning between 7:00 and 7:30 a.m. and school policy says the doors are not open that early. But, they do open the doors. The children go to a warm cafeteria.

Bob Gilbert, Darigold Farms, Montana Dairy Association, said they think this is an excellent bill and want to lend their support for it. The company he works for is not getting rich selling the necessary milk to breakfast programs. All of the milk in Montana consumed by the school food programs is provided by Montana dairies and processors. Older people today had breakfast at home as a child, but times have changed and society must meet new needs. The committee may think this is a parental problem, but it is now a society problem.

Sue Buswell, Registered School Nurse with the Helena School System, said about 85% of the students that eat lunch at her school every day receive a free breakfast. Another 10% received the reduced rate breakfast. What they see is that most of the children in the school take advantage of the breakfast program because they need the meal. She thinks that with the schools providing a nutritious breakfast in the morning, they are also teaching the children an important lesson in what their bodies need and how important it is in their day to have proper nutrition. Federal regulations require that all school meals meet the recommendations of the Dietary Guidelines for Americans and breakfast must provide a quarter of the recommended daily levels of protein, iron, calcium, vitamin A, vitamin C, and calories. She sees many children come into her office between 10:30 and 11:00 a.m. complaining of vague stomach pains, feeling dizzy or just feeling ill for that day. In general, most of those kids have not had breakfast and they are hungry and she is trying to find them something to eat before lunch. Please pass the bill. It is important for our children. It is a step in the right direction.

Bob Vogel, MSBA, said the committee will hear a lot of important bills this session, but none are as important as this one. It really goes to the core of what we are about as school districts, and that's allowing children to learn. In his nine years on the Helena School Board, he visited with many teachers and administrators about the benefits of the school breakfast program that they have in Helena. In his observations, backed up by research, children who are hungry don't learn as well as they should, kids who are hungry don't pay attention as well as they should. University medical researchers have found that children who do participate in school breakfast programs behave better, are less anxious or depressed, have lower rates of tardiness and absenteeism, and score higher on achievement tests than non-participants. All of those things are concerns for school boards and school districts across the state. That is compelling evidence in support of **HB 353**. They are in full support of the bill as amended.

Sharon Hoff-Bodowy, Montana Catholic Conference, said it is an important piece of legislation. It is critical when we take a look at society today, the numbers of parents that are working and leaving home at an early hour in the morning and how difficult it is to get kids up, dressed, and fed.

Steve Yeakel, Montana Council for Maternal and Child Health, said last fall they heard comments like the ones presented today in community forums across the state. These issues were not always on the top of the list. The issue of a nutritious start for the

day is an important one in the schools today. The budget process will be difficult this session and there will be a lot of times that the committee will need to say no, but this is a chance to yes. It is important and they hope the bill will be supported.

Inga Nelson, MEA-MFT, said they believe that supplying children with a nutritious breakfast, when they might otherwise not receive one, will help them learn better. Teachers are in the classroom to teach and be there for the children. This is one of the things that will help teachers do a better job teaching and reaching out to children which will give them a stronger foundation. It is a very important bill and they urge it pass.

Bill Cooper, OPI, said his office facilitates the process that serves 76,000 lunches and 15,000 breakfasts a day. They believe in it for all the reasons the committee has heard. They support the bill and urge that it be passed.

Diane McIntyre, Parent, said the breakfast program started in her children's school on April 1, 1993. Her children have participated in the program for various reasons, they couldn't get up in the morning, get dressed on time and she had to go to school herself. The cafeteria was a safe warm place for her to leave her children in the morning and she knew they would get a good breakfast from a staff of people who cared about them. Some of the children at the school receive breakfast and lunch, and those are their only meals for the day. Seventy percent of the children at this school receive free or reduced price meals. Ninety students a day eat their meals at school. Of those 90 students, 90% of them probably don't get any other meals in the day. The bill is important to Montana children.

{Tape : 1; Side : B}

Amy Sullivan, said the \$180,000 that is appropriated for this bill goes right to the belly of the children who need it the most.

Shelly Meyer, RN, Missoula presented written testimony.
EXHIBIT (edh25a09)

Dave Severson, President of Missoula Education Association, presented written testimony. **EXHIBIT (edh25a10)**

Opponents' Testimony: None

Informational Testimony:**Hank Hudson, Administrator of the Human Community Services**

Division, Department of Public Health said his organization manages the TANF Block Grant. He is a big fan of the school breakfast program. The use of TANF money for this purpose is kind of an unknown area and they contacted the USDA and HHS to understand how this would fit into the rules. It is a little unclear to them right now, however if this committee sees fit to move this bill forward, they will work with the **SPONSOR** and everyone involved to iron out any questions. If the bill is passed out of the committee, it will go to the appropriations committee where there will be a gathering of bills looking at the TANF Block Grant and it will have to go through another process. He sees the need for the school breakfast program and the need to figure out some of the complexities of using the block grant for start-up costs.

Questions from Committee Members and Responses:

REPRESENTATIVE PETERSON had a question for **Minkie Medora**. If you provide the children with a nutritious breakfast, what process or guarantees do you have that they eat the breakfast, or do they pick at certain items that may not be the most nutritious, do they eat it all? What happens? **Ms. Medora** said she knows that the school watches closely. Breakfast is one meal that is eaten very well. That is not to say that lunch is not. Breakfast, because it is a very small meal and contains only three or four components, is usually eaten completely. The food service staff keeps a close eye on how well it is eaten and they have the option of changing the menu to take out items that don't work and replace them with something they think the children will prefer to eat. The menus are constantly changing.

REPRESENTATIVE PETERSON then had a question for **Mr. Davis**. He asked him to answer the same question he had asked of the last witness. **Mr. Davis** said his school provides about three choices each morning for breakfast. Children come into the room as they get off the bus, or they come early with parents, and go immediately to the cafeteria. It is a warm, safe and a positive environment. They get the opportunity to take what they want and it is less than lunch where they have one major entree every day. They also have a sandwich and salad bar at the school. The kids eat the breakfast better than lunch. There is very little waste with the breakfast program. He agrees with **Mr. Medora**.

REPRESENTATIVE PETERSON went on to question the **SPONSOR**. It sounds to him like there are many schools in the state with the breakfast program. What is this bill supposed to do? Is it to give schools without the program a start-up? The **SPONSOR** said there are several schools that have the lunch program but do not have the breakfast program that would like to get it started. There are other schools that don't have the lunch program and they see this as a way to get started, to get some of the machinery and personnel set up to move into the lunch program.

REPRESENTATIVE PETERSON had another question. What grades is the program going to service? The **SPONSOR** said the breakfast and the lunch program both run K-12. In Sentinel High School in Missoula, the breakfast program is very successful.

REPRESENTATIVE LEHMAN had a question for **Dennis Davis**. Do buses arrive at the school early so that the students can eat breakfast? **Superintendent Davis** said the buses are scheduled so that the students have time to eat. **REPRESENTATIVE LEHMAN** asked if there was supervision for the bus students that do not eat breakfast? **Mr. Davis** said yes. **REPRESENTATIVE LEHMAN** continued. Your school district has been participating in this program for a number of years? With the funding crunch for school districts, do you anticipate a problem with those costs that result as part of this program? Problems like PERS, social security, etc. If a school district becomes part of this breakfast program, would these be major factors for them to consider? **Mr. Davis** said he could not speak for someone else, but he can bring it into focus in their situation. They have three full time employees that handle both the breakfast and the lunch programs. They arrive at the school each day at approximately 5:00 a.m. and they begin breakfast and lunch items, and they serve their last lunch at 12:30 p.m. and they are gone by 1:30 p.m. He says in the four years he has been there, the meal programs, where breakfast costs fifty cents and lunch costs \$1.25 are self maintained. They are meeting those costs with what they receive. His situation is going to better than some because they come from a community base where they have a high number of free and reduced meals. They would do better if they could get more kids to eat. They serve about 120 breakfasts every day. What the reimbursement is for what their costs are, they would do better if every one of them came and ate breakfast. That could be somewhat different in other locations.

REPRESENTATIVE WALTERS had a question for **Superintendent Davis**. You said the children have a choice of different things for breakfast. Are they given a choice about taking milk, or do they have to take it? **Superintendent Davis** said milk is a choice. They can have either milk or juice or both. There could be an additional ten-cent charge if they take both, he wasn't sure. They also have some milk choices. They have some students in the school who would be considered overweight. They serve, skim, 1% and 2% milk. They have tried to meet the needs of the students. **REPRESENTATIVE WALTERS** continued. He has heard the criticism that there is a lot of waste of milk in these programs. Does the student have to take milk? **Mr. Davis** said no. There is not a lot of waste because they have a choice.

REPRESENTATIVE OLSON asked the **SPONSOR**, what kind of competition are you facing for this \$180,000 of block grant funds? She deferred the question of **Hank Hudson**. He said the agency has gone through a process over the last 18 months to design a plan for what they felt was the best use of the TANF Block Grant. There are probably ten bills in addition to their own proposal which probably would appropriate between fifteen and twenty million dollars of the TANF money. So there are probably \$15,000,000 of unfunded desires with the block grant right now. No request, including their own, is as small as this one.

REPRESENTATIVE OLSON asked him if he was expecting resistance to this in appropriations. **Mr. Hudson** said they will present what they think is the highest and best use of the block. The Appropriations Committee will have an opportunity to hear all the other ideas. **REPRESENTATIVE OLSON** asked him if he has his list prioritized. **Mr. Hudson** said they have a list that is prioritized and this particular proposal is not above the line of what they think there is money for. They don't have the corner on good ideas.

The **CHAIR** had a question for **Mr. Hudson**. This \$180,000 is for start-up, then after they start the school breakfast and this money is depleted, then does the school take over the costs? **Mr. Hudson** said his understanding is that it is a one time start-up grant. Once it is gone, it is gone and it is a one time only appropriation.

REPRESENTATIVE WADDILL had a question for the **SPONSOR**. He believes there will be opposition to this bill because people think it is the parents' responsibility to provide breakfast. Do you agree? The **SPONSOR** said her personal reaction to that particular thought is that the children shouldn't suffer because of the omission of the parents.

REPRESENTATIVE ANDERSEN asked **Superintendent Davis**, approximately how long does it take for this breakfast to be served? **Mr. Davis** said he would like to tell the committee that the children take 15 minutes to eat breakfast, but he can say that the average junior high kid can eat breakfast in five or fewer minutes. It is not a long drawn out process. **REPRESENTATIVE ANDERSEN** asked how much time they allow for breakfast. **Mr. Davis** said 20 minutes. The least amount of time any bus student would have is 20 minutes.

REPRESENTATIVE OLSON had a question for **Mr. Cooper**. What is the reimbursement rate for free meals and also for reduced meals? He deferred the question to **Mary Elizabeth McCauley, Director of Food Services at OPI**, said they are broken into three categories. For schools that serve less than 40% of their school lunches at free and reduced rates; for breakfast they receive \$1.09 for each free meal, they receive 79 cents for meals served at a reduced rate, and they receive 21 cents for full payed meals. For schools that serve more than 40% of their lunches at free and a reduced price rate, they may qualify for what is referred to as a severe need or an especially needy rate. If their breakfast cost justifies the higher rate, for example, if 40% of the lunches served were free or reduced and it can be documented that the breakfast cost is greater than the \$1.09, the school can receive up to \$1.30 for the free child breakfast or the actual cost. The reduced child breakfast would be \$1.00 and the full paid child breakfast would receive 21 cents.

Closing by Sponsor:

REPRESENTATIVE FRITZ read a letter from **Sami Butler, RH, MNA Executive Director**. The seeds of this bill originated in the local candidates' quorum where **Ms. Medora** outlined the need to expand the breakfast program. The **SPONSOR** was surprised that some school children in Montana still go hungry. She attended a grade school in the '40's. Twenty-six children started in her first grade and 24 of them finished together and most of them are still around Missoula and are still friends. Three of those children were provided milk and fruit every morning mainly by the parents in the neighborhood. The rest of the children knew of the circumstances in their homes and were happy that somebody was helping. One of those children was severely undernourished and abused before placement in the foster care home in the neighborhood. She died at the age 21. The other two children went on to raise healthy, very happy, families in the Missoula areas. Both have made significant contributions to the Missoula community. Her other main motivation for sponsoring the bill can be found in the handout received by the committee at the beginning of the hearing. Please take the time to read it. If

the legislature wants to give teachers an indirect raise, you can vote for the school breakfast program. All teachers have food in their drawers for the first period class. **EXHIBIT (edh25a11)**

EXECUTIVE ACTION ON HB 181

REPRESENTATIVE LAWSON moved **DO PASS** for **HB 181**.

REPRESENTATIVE LAWSON moved **DO PASS** for the amendments to **HB 181**. The amendments are numbered **HB018101.ace**. He asked **Connie Erickson** to work through the amendments that he has proposed to pass. **Connie Erickson** said that she could make it easy. Basically the original bill presented to the committee was based on some model legislation that was developed by one of the organizations such as the American Society for the Blind. They develop legislation for states to use to implement the program in terms of providing some specialized programming or instruction for students who are visually impaired. The amendment simply takes the information that was in the original bill and makes sure that it fits the way we do things in Montana. The original bill talked about the adoption of textbooks by the BPE in Montana. There is no statewide adoption of textbooks. Textbooks are adopted at the local level. The BPE doesn't have anything to do with the adoption of books. They had to rework that section. Another part of the original bill, said teachers of the visually impaired would have to be trained and certified in the use of braille. They had to have specific certification in that area. In Montana the belief has been that special education teachers, who would include teachers of the visually impaired, should be more broadly trained and broadly certified and not necessarily just to teach the visually impaired, or the hearing impaired, etc. They would be more broadly certified, but then they could concentrate and get extra training to work with those children they would be working with. Those are the kinds of things that they did with the bill. It is her understanding that **REPRESENTATIVE LEWIS** is very comfortable with the changes. He understands that to make this work very well, they needed to make sure that it fitted with the way things are done in Montana in our schools. **REPRESENTATIVE LAWSON** asked her if the amendments changed the fiscal note. **Connie Erickson** said she didn't know. They don't do fiscal notes in her agency. The **SPONSOR** was concerned about the fiscal note. Her understanding was that a second fiscal note had never been requested. OPI has never received any information to produce a second fiscal note for the bill.

REPRESENTATIVE OLSON said that he is wondering how the fiscal note is going to affect the local school district budget. How many districts are at the cap, how many districts are going to have to cut another program?

REPRESENTATIVE JACKSON said he had talked to the **SPONSOR** about the fiscal note because that was his concern. He had gone through the bill to see where it required the use of consultants or experts. It appears that the Montana School for the Deaf and Blind wanted some more staff as part of this bill. It was **REPRESENTATIVE JACKSON's** understanding when he talked to the **SPONSOR** that the fiscal note would be done before the committee had to deal with the bill. He would want to see the new fiscal note before he voted.

REPRESENTATIVE WOLERY said that **Connie Erickson** is correct about getting a new fiscal note. You cannot get a new fiscal note until the amendments are adopted and the bill is passed out of the committee. **Connie Erickson** said she believes a **SPONSOR** can request a new fiscal note if he disagrees with the original fiscal note. If the bill is to be amended greatly, that can change the fiscal note. The **SPONSOR** can't request a new fiscal note based on the fact he assumes the bill will be amended.

REPRESENTATIVE MC KENNY said that the committee can vote on the amendments. Once the amendments are passed, a new fiscal note could be requested.

The **CHAIR** had a question about the amendments. It says it will require each teacher who provides education services to students with disabilities, to have specific skills that enable the teacher to deal effectively with students with disabilities under the teacher's supervision. These skills may be obtained through formal training or in-service training or consultation. Is the school going to pay for that teacher training? She said she is concerned about what this is putting on the classroom teacher. **Connie Erickson** said she believes it is not talking about the classroom teacher, but it is talking about the special education teacher. It says, "teachers who provide education services to students with disabilities." The **CHAIR** said she has a teaching friend who has a blind student in her class and she is providing the teaching services for that blind student. The **CHAIR** asked **Bob Runkel, Director of Special Education, OPI**, to address her concerns. The professional staff qualifications for special education is where this particular provision comes from. It basically says under current administrative rules that each local educational agency must require that each teacher who implements education services to students with disabilities obtain specific skills which enables the teacher to deal effectively with

students with disabilities under the teacher's supervision. These skills may be obtained through formal training, or in-service training or consultation. That requirement applies to all disabilities. This is basically a statement that recognizes that our teachers in special education in Montana are generically trained to serve all age groups, all disability categories and because of that, at times they are going to need additional background and help in order to meet the needs of particular kids assigned to them. That is the provision that Montana currently has in its administrative rules. The bill parrots it. The administrative rule itself is under a heading called "Special Education Professional Staff Qualifications." This one is out of context and it doesn't imply, since the heading of the administrative rule is under special ed, the law is nonspecific regarding personnel that are involved. He believes the intent is that the personnel providing specialized instructions to these children need to be skilled in dealing with the needs of the child. He believes that is the intent. If braille is going to be taught, the person teaching braille, usually the special education teacher, would need to have the skills on how to teach braille. The **CHAIR** said that lots of times it is not the special education teacher, but it's the full time aid that is actually doing it. Would the aid have to be trained in braille? **Mr. Runkel** said the administrative rules say "each teacher" has to have this background and training so he can supervise and deliver the instruction. It doesn't talk about other than the teacher. OPI has funds that OPI uses to help support training of para-professional.

REPRESENTATIVE GALVIN-HALCRO said her goal was always to mainstream every special needs student and if this child is mainstreamed, he is going to be in a regular classroom with a regular classroom teacher who is not trained because she is not most often certified special education. How are we going to require that tradition classroom teacher to get the additional training and where will the funds come from for that teacher to go to school and how will that teacher be compensated while she is going to school to get the required training that the committee might be putting in a statute? **Mr. Runkel** said he believes that the method that is going to be used for kids with blindness, even under this bill, will be the same as what is being used now under general education teaching staff. The delivery of the supportive services to kids with disabilities in regular classrooms will be provided through consultation and coordination with the special education teacher. So the training, if you will, for a general educator, more often than not, comes in the form of a special educator helping to coach the teacher and provide advice on methods, supplies and materials, and whatever equipment might be needed. It's not really probable

that it would result in the regular education teacher having to go out and get unique training. That becomes the responsibility of the special educator. The special educator uses his expertise to support the regular classroom teacher in providing technical assistance and adaptive materials, etc. That is the way the system works for other disability categories and he believes implementation of this would be the same.

REPRESENTATIVE LAWSON said his goal would be to put the bill in the proper form that the sponsor wanted and once the bill is amended, his goal would be to ask for a postponement of action. His goal in the amendments is to get the bill in the form that the **SPONSOR** originally wanted and then the committee can go from there when it comes to voting on the bill.

Motion/Vote: REP. LAWSON moved that **HB 181 BE AMENDED**. Motion carried 16-1 with Galvin-Halcro voting no. **REPRESENTATIVE MANGAN** is excused and not voting.

REPRESENTATIVE LAWSON moved that the committee postpones any further action on **HB 181 as Amended**. Motion carried.

EXECUTIVE ACTION ON HB 140

REPRESENTATIVE LAWSON took over the gavel for this action.

REPRESENTATIVE MASOLO moved a **DO PASS** on **HB 140**.

Discussion:

REPRESENTATIVE OLSON reminded the committee that the fiscal cost for this bill is included in the executive budget.

Motion/Vote: REP. MASOLO moved that **HB 140 DO PASS**. Motion carried 14-4 with Walters, Jackson, Bixby and Andersen voting no.

REPRESENTATIVE MASOLO became chairman of the meeting following the executive action.

EXECUTIVE ACTION ON HB 65

REPRESENTATIVE LAWSON moved a **DO PASS** on **HB 65**.

Discussion:

REPRESENTATIVE LAWSON said to keep in mind that there is \$560,000 appropriated for this bill. It was originally in Governor Racicot's budget. They are still working with Governor Martz to further consider this issue. Remember it was taken out of the budget due to the economic situation in the state of Montana. He thinks this program will have immediate results in limiting the attrition of Montana teachers. He also believes that further revenues will exist by the end of this session and this program merits some consideration in any final budget deliberations. Keep in mind the committee is setting policy and not spending the dollars. What will a mentoring grant provide? The proposed mentoring grants will provide seed money for districts to train the mentor teacher, purchase materials, reorganize schedules, and shift job responsibilities so that mentoring can take place. He anticipates that there will be some cost to the district but some initial assistance in this cost will help. Districts get going down the road. Typically their expenses include training, printing, travel, communications, and professional time. Why don't the districts fund the mentoring process now? Although districts have recognized the value of structured mentoring programs, their budget limitations and existing classroom assignments will not allow the flexibility to provide such programs in Montana. We did hear from Great Falls that they are doing this and doing a good job. What will happen if this bill passes out of the committee? This will be added to the list of bills in appropriations in **HB 2**, but he would close in saying that an article out of the January 28, Independent Record, said lawmakers still don't know how much money the state will have to spend. The official revenue estimate will not be known for sometime. The state is trying to find more money. The state is trying to find as much money as possible to fund the programs it would like to fund. What he would ask is that the committee move the bill out of the committee. It may fail down the road due to lack of funding. He thinks this is a good program and he would like to see it in the final mix and be given consideration.

Motion/Vote: **REP. LAWSON** moved that **HB 65 DO PASS. Motion carried 13-5 with Jackson, Lehman, Olson, Walter, and Wolery voting no.**

ADJOURNMENT

Adjournment: 5:00 P.M.

REP. GAY ANN MASOLO, Chairman

NINA ROATCH, Secretary

GM/NR

EXHIBIT (edh25aad)